

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

JEREMY D SALYER

Debtor.

Case No. 21-60026-RKK

Chapter 7

Judge Russ Kendig

OBJECTION TO CLAIMED EXEMPTION

Now comes Anthony J. DeGirolamo, the duly appointed Chapter 7 Trustee in the above-captioned case (the “Trustee”) and hereby objects to the Debtor’s exemption claimed in real property located at 216 North Kibler Street, New Washington, Ohio 44854. For his objection, Trustee states as follows:

1. On Schedule A/B, as amended, at line no. 1.2, the Debtor listed real property located at 216 North Kibler Street, New Washington, Ohio 44854 (the “Property”).
2. The Debtor indicated on the Petition and Schedules that he resided at the Property on January 8, 2021 (the “Petition Date”).
3. At the Debtor’s Meeting of Creditors and on Schedule A/B, the Debtor testified the Property is owned by Salyer Holdings, LLC, not the Debtor. As a result, the Debtor is not entitled to claim the homestead exemption allowed pursuant to Ohio Revised Code § 2329.66(A)(1). See, In re Schmake, 2013 Bankr. LEXIS 611 (N.D. Ohio Feb, 14, 2013).

WHEREFORE, for the reasons stated above, the Trustee respectfully requests that the Court enter the order attached hereto as Exhibit A denying the Debtor's claimed homestead exemption and granting any other and further relief that the Court deems just and proper.

Respectfully submitted,

/s/ Anthony J. DeGirolamo

Anthony J. DeGirolamo (0059265)

3930 Fulton Drive NW, Suite 100B

Canton, Ohio 44718

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E-mail: tony@ajdlaw7-11.com

CHAPTER 7 TRUSTEE

NOTICE OF OBJECTION TO CLAIMED EXEMPTION

Anthony J. DeGirolamo, Trustee, has filed papers with the Court objecting to the claimed homestead exemption of the Debtor.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the objection without a hearing, or if you want the Court to consider your views on the objection, then by or before **March 22, 2021**, you or your attorney must:

File with the Court a written response, explaining your position at:

United States Bankruptcy Court
Ralph Regula U.S. Courthouse
401 McKinley Avenue SW
Canton, OH 44702

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Anthony J. DeGirolamo, Esq.
3930 Fulton Drive NW, Suite 100B
Canton, Ohio 44718

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief without a hearing.

Date: March 8, 2021

Signature: /s/ Anthony J. DeGirolamo
Anthony J. DeGirolamo

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2021, a copy of the foregoing Objection was electronically transmitted via the Court's CM/ECF system to those listed on the Court's Electronic Mail Notice list:

- Robert P. Soto rpsoto@bcatlaw.com
- United States Trustee (Registered address)@usdoj.gov

/s/ Anthony J. DeGirolamo
Anthony J. DeGirolamo

The undersigned hereby certifies that a copy of the foregoing Objection was served via regular U.S. Mail, postage prepaid, upon those listed below, this 8th day of March, 2021.

/s/ Anthony J. DeGirolamo
Anthony J. DeGirolamo

Jeremy D. Salyer
216 North Kibler Street
New Washington, Ohio 44854

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

JEREMY D SALYER

Debtor.

Case No. 21-60026-RKK

Chapter 7

Judge Russ Kendig

ORDER GRANTING OBJECTION TO CLAIMED EXEMPTION

Before the Court is the Objection to the Claimed Exemption filed by the duly appointed Chapter 7 Trustee. Based upon the record in this case, and the representations contained in the Objection, the Court hereby FINDS AND DETERMINES THAT:

1. The Court has jurisdiction over the Debtor's case and this matter pursuant to 28 U.S.C. § 1334. Venue is proper in the court pursuant to 28 U.S.C. § 1408 and § 1409, and this is a core proceeding pursuant to 28 U.S.C. § 157(b).
2. The Debtor resided at 216 North Kibler Street, New Washington, Ohio 44854 (the "Property") on the Petition Date: January 8, 2021.
3. The Property is owned by Salyer Holdings, LLC, not the Debtor.

4. The Debtor is not entitled to claim a homestead exemption pursuant to Ohio Revised Code § 2329.66(A)(1) in the Property.

ACCORDINGLY, for the reasons stated herein, Debtor's claimed exemption in the Property is hereby denied.

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Prepared by:

Anthony J. DeGirolamo (0059265)
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Canton, Ohio 44718
Telephone: 330-305-9700
Facsimile: 330-305-9713
E-mail: tony@ajdlaw7-11.com

CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that on _____, 2021, a copy of the foregoing Order was electronically transmitted via the Court's CM/ECF system to those listed on the Court's Electronic Mail Notice list:

- Anthony J. DeGirolamo, Trustee - Mansfield tony@ajdlaw7-11.com,
ad@trustesolutions.com;amber@ajdlaw7-11.com;AD07@trustesolutions.net
- Robert P. Soto rpsoto@bcatlaw.com
- United States Trustee (Registered address)@usdoj.gov

Deputy Clerk

The undersigned hereby certifies that a copy of the foregoing Order was served via regular U.S. Mail, postage prepaid, upon those listed below, this _____ day of _____, 2021.

Deputy Clerk

Jeremy D. Salyer
216 North Kibler Street
New Washington, Ohio 44854